



# STATE OF IOWA

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IOWA BOARD OF MEDICINE  
MARK BOWDEN, EXECUTIVE DIRECTOR

**December 3, 2012**  
**FOR IMMEDIATE RELEASE**

## Summary of November 15-16, 2012, Board Meeting

**The following is a summary of the November 15-16, 2012, meeting of the Iowa Board of Medicine.**

**Cases Reviewed:** The Board reviewed 150 cases.

**New Investigative Cases:** The Board reviewed 88 new investigative cases.

**Statement of Charges:** Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board may file a Statement of Charges which contains the allegations of the Board.

The Board approved one Statements of Charges.

1. The Board charged a physician with violating the laws and rules governing the practice of medicine when he inappropriately prescribed controlled substances, particularly methadone, to patients with known substance abuse histories between 2009 and 2011, and when he performed an inappropriate and/or medically unnecessary physical examination on a young female patient in his clinic on August 10, 2011. A hearing is scheduled on February 14, 2013.

**Combined Statement of Charges and Settlement Agreements:** Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. A combined Statement of Charges and Settlement Agreement contain the allegations of the Board and the sanctions.

The Board approved five Combined Statement of Charges and Settlement Agreements.

1. On October 19, 1998, the physician entered into a Settlement Agreement with the United States Attorney for the Southern District of Iowa for failing to maintain appropriate records of controlled substance prescriptions between April 9, 1996 and April 9, 1998. On March 12, 1999, the physician surrendered his Drug Enforcement Agency (DEA) registration. On April 15, 1999, the Iowa Board placed the physician on probation for a period of five years subject to Board monitoring. The probation was terminated on July 22, 2004. On July 19, 2006, the Wisconsin Medical Examining Board disciplined the physician for failing to provide appropriate gastrointestinal care to a patient. The Wisconsin Board issued the physician a public reprimand and ordered him to complete a gastroenterology review course. On February 1, 2007, the Iowa Board issued the physician a public reprimand and ordered him to fully comply with the Wisconsin order. On May 19, 2010, the Wisconsin Board ordered the physician to complete a comprehensive clinical competency assessment. The physician demonstrated a number of deficiencies. On February 15, 2012, the Wisconsin Board ordered the physician to complete a comprehensive medical record keeping program; complete a comprehensive family medicine review course; and submit to a follow-up chart review performed by the Wisconsin Board. Under the terms of the November 15, 2012, combined Statement of Charges and Settlement Agreement, the Iowa Board charged the physician with being disciplined by the Wisconsin Board and placed him on probation for a period of five years subject to a practice monitoring plan and Board monitoring.
2. On April 11, 2012, the physician was charged with prostitution. The physician entered a guilty plea to the charge and on August 6, 2012, the Court entered an Order for Deferred Judgment. The physician was placed on self-supervised probation for a period of one year, ordered to pay a \$625 criminal fine, and ordered to complete 50 hours of community service. The Board charged physician with engaging in unethical or unprofessional conduct in violation of the laws and rules governing the practice of medicine. Under the terms of the Settlement Agreement, the Board issued the physician a public reprimand, ordered him to pay a \$2,500 civil penalty and ordered him to complete a Board-approved professional ethics program.
3. The Board charged the physician with violating the laws and rules governing the practice of medicine in Iowa and engaging in unethical or unprofessional conduct when he: provided psychiatric care to a patient at the physician's home without maintaining appropriate medical records between 2004 and 2009; prescribed excessive medications, including Ritalin, to a psychiatric patient, including early refills on multiple occasions between 2007 and 2009; prescribed medications, including antibiotics, allergy medications and an anti-depressant to his domestic partner without maintaining appropriate medical records between 2005 and 2009; prescribed antibiotics to his domestic partner's daughter without maintaining appropriate medical records in 2006; discussed a patient's psychiatric condition in the presence of the physician's domestic partner between 2004 and 2010; and loaned money to a psychiatric patient for his automobile insurance and for gasoline for his automobile. Under the terms of the Settlement Agreement, the Board issued the physician a public reprimand and ordered him to pay a \$5,000 civil penalty. The Board also ordered the physician to complete a professional boundaries program, a medical recordkeeping course, and a prescribing course.
4. On August 4, 2011, the physician was disciplined by the Utah Division of Occupational and Professional Licensing for engaging in unprofessional conduct for issuing multiple online prescriptions to Utah residents between January 31, and July 27, 2010, after he had allowed his Utah medical license to expire. The Utah Board issued the physician a public reprimand and ordered him to immediately cease and desist from engaging in unprofessional and unlawful conduct. The physician was subsequently reprimanded by

the medical boards in California, Tennessee and Wisconsin where he has state medical licenses, based on the Utah disciplinary action. The Iowa Board charged the physician with being disciplined by another state licensing authority and issued him a public reprimand.

5. On September 26, 2009, the physician was convicted of three felony counts of making false statements related to healthcare matters in the United States District Court Western District of Texas, Del Rio Division. The physician was sentenced to five years-probation and ordered to pay restitution in the amount of \$51,915.04, and a special assessment in the amount of \$300. On February 4, 2011, the physician entered into a voluntary Order of Revocation of his Texas medical license after being charged with unprofessional conduct as a result of his conviction of three felony counts of making false statements related to healthcare matters. Under the terms of the November 15, 2012, combined Statement of Charges and Settlement Agreement, the Board charged the physician with being convicted of a felony related to the profession; with having a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy revoked or suspended, or having other disciplinary action taken by a licensing authority of another state; and with engaging in unethical or unprofessional conduct and/or practice harmful or detrimental to the public. The physician surrendered his Iowa medical license to resolve this matter.

**Settlement Agreements:** After the Board has determined that probable cause exists to take formal disciplinary action and formal disciplinary charges have been filed, the Board and the licensee may enter into a Settlement Agreement to resolve the pending disciplinary charges rather than hold a formal disciplinary hearing.

The Board approved one Settlement Agreement.

1. On July 12, 2012, the Board filed formal disciplinary charges against a physician alleging that he engaged in an inappropriate sexual relationship with a female mental health patient that he was treating and that he violated appropriate professional boundaries in violation of the laws and rules governing the practice of medicine in Iowa. The physician surrendered his Iowa medical license to resolve this matter.

**Confidential Evaluation Orders:** If the Board receives evidence that a physician may suffer from physical, neurological, mental condition or substance abuse, the Board may issue a confidential evaluation order requiring the physician to complete an appropriate evaluation at a Board-approved program. Additionally, if the Board receives evidence that a physician lacks the appropriate knowledge or ability to practice medicine with reasonable skill or safety or that a physician has failed to provide appropriate care to patients, the Board may issue a confidential order requiring the physician to complete a competency evaluation at a Board-approved competency assessment program.

The Board voted to issue one confidential Evaluation Orders due to the following areas of concern:

1. The Board ordered a physician to complete a comprehensive physical, neuropsychological, mental health, unprofessional conduct and disruptive behavior evaluation due to concerns that the physician engaged in a pattern of unprofessional conduct, dishonesty and/or disruptive behavior in violation of the laws and rules governing the practice of medicine in Iowa.

**Termination Orders:** After the licensee successfully completes the terms of a disciplinary order, the Board issues an order terminating the terms and conditions of the order.

The Board approved two Termination Orders.

1. On December 26, 2006, the Board charged a physician with professional incompetence. On October 15, 2007, following hearing, the Board issued the physician a public reprimand for failing to conform to the prevailing standard of care and restricted her from practicing medicine until she obtained Board approval. On November 7, 2007, the Board approved the physician's return to the practice of medicine and placed her on probation for a period of five years subject to Board monitoring. On November 7, 2012, the physician completed the terms of her probation.
2. On September 23, 2011, the Board charged a physician with knowingly making misleading, deceptive, untrue or fraudulent representations. On April 12, 2012, following hearing, the Board concluded that the physician knowingly made misleading, deceptive, untrue or fraudulent representations when he denied he was involved in the care of a patient. The records indicate that the physician provided "hands on" care to the patient and he was responsible for the patient's care as the supervising physician of a physician assistant who provided care to the patient during the period in question. The Board issued the physician a public reprimand and ordered him to pay a \$3,000 fine and complete a Board-approved professional ethics program. The physician completed the terms of his order. On November 16, 2012, the Board voted to terminate the order.

**Confidential Letters of Warning or Education:** When the Board determines that probable cause does not exist to take formal disciplinary action the Board may send a confidential, non-disciplinary letter to a licensee expressing concerns and requesting that a licensee take corrective action, including further medical education.

The Board voted to issue eight confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns that a physician suffers from sleep apnea and his health has negatively impacted his medical practice.
2. Concerns that a physician prescribed excessive sedatives and analgesics to two patients.
3. Concerns that a physician failed to document that a patient declined recommended testing.
4. Concerns about a physician's obstetrical care during the delivery of a child.
5. Concerns that a physician prescribed excessive controlled substances to two patients.
6. Concerns about a physician's obstetrical care during the delivery of a child.
7. Concerns that a physician removed a mole from a patient's leg in an improper setting.
8. Concerns about a physician's diagnosis, treatment and medical recordkeeping for a patient with a complex psychiatric history.

**Board Appearances:** The Board may ask a licensee to appear before the Board to discuss concerns when the Board determines that a face-to-face meeting will assist the Board during the investigative process.

The Board held two personal appearances for the following purposes:

1. A physician who had his Iowa medical license suspended due to substance abuse appeared before the Board to request reinstatement of his license.

2. A physician who had his Iowa medical license suspended due to sexual misconduct with a patient appeared before the Board to request reinstatement of his license.

**Monitoring Committee:** The Monitoring Committee monitors licensees who have been disciplined by the Board and require monitoring.

The Monitoring Committee reviewed fourteen physicians who are currently being monitored by the Board.

**Screening Committee:** The Screening Committee reviews cases that are lower priority and have not been investigated by the Board to determine whether investigation is warranted.

The Screening Committee reviewed thirty two cases.

**Licensure Committee:** The Licensure Committee is a committee that reviews initial license applications, renewals and reinstatements other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Licensure Committee reviewed 10 licensure applications. Four permanent licenses were granted, two permanent licenses were granted by way of consent agreements, two applicants was asked to withdraw their application, 1 acupuncture license was granted, more information was requested from one permanent license applicant, and one physician met with the Committee to discuss licensure options.

The Licensure Committee approved three Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the license application.

The Licensure Committee was provided the USMLE Annual Report for informational purposes. They reviewed how other state medical boards handle license renewals for physicians in the military and discussed making changes to the board's rules. The Committee approved the USMLE's recommendation to eliminate the state sponsorship of USMLE Step 3. An e-mail with concerns about maintenance of licensure from Dr. Amos was reviewed.

#### **In other action the Board:**

- Voted to adopt and file amendments to 653 Iowa Administrative Code Chapters 22 and 23. The amendments require physicians to provide timely reports of disciplinary action taken which results in a limitation, restriction, suspension, revocation, relinquishment or non-renewal of their hospital privileges or voluntary limitation, restriction, suspension, revocation, relinquishment or non-renewal of hospital privileges to avoid a hospital investigation or hospital disciplinary action. The amendments will be published in the Iowa Administrative Bulletin on December 26 and will become effective January 30, 2013.
- Voted to seek amendments in Iowa Code Chapters 124 and 148 in the 2013 legislative session. The amendment in Chapter 124 would require pharmacists and prescribing practitioners to obtain information from the Iowa Prescription Monitoring Program database before prescribing, renewing a prescription, or filling a prescription for controlled substances if the pharmacist or prescribing practitioner believe, or have reason

to believe, the patient may be pursuing a controlled substance for illegal or improper usage. The amendments to Chapter 148 clarify the use of alternate members in contested case hearings; increase the Board's civil penalty from \$10,000 to \$20,000 per violation; and allow the Board to assign certain cases to be heard initially by an administrative law judge without a Board panel present.

- Received a statistical report on the Iowa Physician Health Program. On November 1, 2012, there were 81 participants in the program. There were 42 new participants in the program since January 1, 2012, and 41 discharges during the same period.
- Received updates from the Iowa Attorney General's Office on the status of seven Board cases under judicial review in state courts.

**A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on November 20, 2012. If you have questions about this summary or Board's disciplinary action press release, please contact Kent Nebel, Legal Director, at (515) 281-7088 or [kent.nebel@iowa.gov](mailto:kent.nebel@iowa.gov).**